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NEWSPAPER LAW.

(Law No.4I issued in May I909).

WE sanction hereby the Newspaper Law approved by the Diet and order the same to be promulgated.

Art.I -- A Newspaper, according to the meaning of this Law, is a literary work intended for regular periodical publication under a given name or title, or, it may be a literary work not published at regular intervals but appearing at least once in 6 months, as also any extra literary work supplementary to the newspaper and published with the same name or title.

Newspaper having the same title but published in different localities shall be considered as separate newspapers.

Art.2 -- Persons specified hereunder are not permitted to hold the Editorship or Proprietorship of a newspaper:

I. Any person not residing within the Imperial domains or territory where this Law is in force.

2. Any person belonging to the Army or Navy, whether on active service or under Government orders.

3. A minor or an incompetent person or a quasi incompetent person.

4. Any person actually serving a sentence, or detained in prison, or the execution of whose sentence has been deferred.

Art.3 -- The printing office shall not be established beyond

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the limit of the Imperial domains or territory where this Law is in force.

Art.4 -- The publisher of a newspaper shall report the following particulars to the Minister for Home Affairs:

1. The title of the newspaper.
2. The character or nature of the articles to be inserted.
3. Whether current events will be inserted or not.
4. Whether the newspaper is to be published at regular periods or not. If regular, at what periods.
5. Date of first publication.
6. Address or addresses of the publishing and printing offices.
7. The name of the owner. If the owner is a juridical person, the name of the person and the name of the representative.
8. The names and ages of the publisher and the editor. If there be more than one editor, the name and age of the editor-in-chief.

The preceding shall be reported to the local competent authorities, signed jointly by the owner or the juridical person and the editor ten or more days before the appearance of the first issue.

Art.5 -- In the event of Nos. 1-5 of the first clause of the preceding Art. being altered, report shall be made to the Minister for Home Affairs ten or more days before the alteration is made under the same procedure as laid down

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in said Art.: if No.4 or 5, or the owner or the editor is to be changed, report shall be made to the Minister before any change is effected or within seven days after. In case the owner is changed, the old and new owners or his or their juridical person or persons shall sign the report, except in case of death.

Art.6 -- A successor who succeeds to the rights and obligations of a deceased publisher or a publisher who comes under ~~Art.~~ Art.2. shall make report within seven days after the date of his succession according to the preceding Art.

In other cases, except the case of the preceding clause, the report shall be made ten or more days before the change of a publisher.

Art.7 -- A newspaper not published within one hundred days from the reported date of intended publication, or having ceased publication does not resume publication within one hundred days of last publication, or a periodical publishing three issues in one hundred days fails to produce the three issues in one hundred days shall be deemed as having become defunct.

Art.8 -- In case a publisher or an editor dies, or happens to come under Art.2, and a successor is not appointed, or in case a publisher or an editor absents himself for more than one month beyond the Imperial domains or territory where this Law is in force, the newspaper concerned shall not be allowed to continue publication, unless a temporary publisher or a temporary editor is appointed.

The stipulations in this Law relating to a publisher

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or an editor shall apply equally to a temporary publisher or a temporary editor.

Art.9 -- The stipulations in this Law relating to the responsibilities of an editor shall also apply to persons specified hereunder:

1. He who is not an editor but actually engages in the editing of a newspaper.
2. He who signs his name as author of any article inserted in a newspaper.
3. He who demands the insertion of a correction or refutation.

Art.IO -- The names of the publisher, editor, printer, and the the address of the publishing office shall be stated in a newspaper.

Art.II -- When a newspaper is issued, two copies of it shall be sent in to the Home Department, one copy to the Competent Local Government, and one each to the public procurators' offices of the Local Courts and the District Courts.

Art.I2 -- A newspaper intending to publish current events shall not be allowed publication unless undermentioned sums of money have been deposited as security with the Competent Local Government:

1. Yen 2000 for a newspaper to be published in Tokyo or Osaka, or their neighbourhood within the distance of 3 ri.
2. Yen 1000 for a newspaper in a city or a division containing more than 70,000 population, or neighbourhood within the distance of 1 ri.

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4. Yen 500 for a newspaper in other places.

Half the amount of security as in the preceding clause shall be deposited for a newspaper less than 3 issues a month.

A negotiable paper named by the Government can be used as security.

Art.13 -- In case a publisher is changed, the successor shall succeed to the rights and obligations on the security.

Art.14 -- The security shall not be returned nor transferred unless the newspaper becomes defunct. except for the execution of a decision of the Law For Collecting National Tax or ordinances to which the Law For Collecting National Tax are applicable, or of a claim against offences of damages for honour.

Art.15 -- Should a publisher or an editor of a newspaper depositing security fail to pay the full amount of a fine or the costs of any action relating to the newspaper within ten days from the date of decision, the public procurator may appropriate a part or the whole of the security to meet payment.

Art.16 -- When a deficit in the full amount of security occurs and such deficit is not made good, the publication of the newspaper shall not be allowed after seven days from the date on which such deficit occurs.

Art.17 -- When the insertion of a correction or refutation of an article in a newspaper is requested by a person to whom the said article has made reference or by any person directory connected with the person concerned, the whole

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of the correction or refutation must be inserted, if it be a written one, in the following or next following issue counting from the time the newspaper receives the request.

If the purport of the correction or refutation is in contravention of the ordinance or if the name and address of the complainant are not given, it will not be obligatory to make any insertion.

If the number of words of a correction or refutation exceed the number of words of an original article, a charge may be made for the excess at the advertisement rate of the newspaper.

Art.18 -- If a newspaper insert an article abstracted from the Official Gazette or from other newspapers, and the Official Gazette or other newspapers have made a correction or inserted a refutation, the newspaper reproducing the article should also reproduce the correction or insert the refutation without any demand being made for same by the person concerned or representative, under the procedure as laid down in the preceding Art., but no charge shall be claimed for publishing such correction or refutation.

Art.19 -- No newspaper is allowed to publish articles regarding to the preliminary examination of an article before the trial takes place, or articles regarding enquiry or preliminary examination prohibited by a public procurator, or articles regarding the debatement of an action forbidden for admittance.

taining to government offices, public offices, or meetings constituted under an ordinance not made public, or any proceedings of a meeting not opened publicly without first obtaining permission. This Art. shall also apply to a petition or appeal.

Art.21 -- No newspaper is allowed to insert such article or articles as to incite offences or protect them, or to praise or help or entrap accused.

Art.22 -- If any newspaper neglect to make report of Arts. 4-6 or make a false report, or to deposit security or to make good the deficit of security, the Local Competent Authorities may suspend the publication until it does so;

3 -- When the Minister of ~~Foreign Affairs~~ Home Department will consider an article inserted in a newspaper disturb the public peace or order, or bring deleterious effect upon public morals, he may prohibit the sale or distribution of the newspaper, or may distrain it if necessary.

4 -- When the Minister of Home Department considers an article or articles inserted in a newspaper issued in a foreign country or in the Imperial domains or territory where this Law is not in force, will disturb the public peace or order, or bring deleterious effect upon public morals, he may prohibit the sale or distribution of such newspaper in places where this Law is in force or may distrain it if necessary.

The Minister of Home Department may prohibit importation of a newspaper, which has been dealt with the preceding clause more than once in a year, to places where this Law

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is in force.

Art.25 -- The Local Competent Authorities may distrain a newspaper violating the order prohibited by the second clause of the preceding Art., or a newspaper printed for the purpose of sale or distribution contrary to the decision prohibited by Art.43.

Art.26 -- If a newspaper distrained under this Law be not released in two or more years, the Administrative Competent Authorities who have distrained the newspaper can dispose of it.

Art.27 -- The Minister for War, of the Navy, or of Foreign Affairs may prohibit or restrict by order insertion of an article relating to military or diplomatic affairs.

Art.28 -- Any person who comes under the provision of Art.2 and becomes to a publisher or an editor by making false report shall be punished to a penal servitude not more than 3 months, or to a fine not more than yen 50.

Art.29 -- Any person who violates the provision of Art.3 shall be punished to a fine not exceeding yen 300.

Art.30 --The publisher shall be punished to a fine not exceeding yen 100, if he does not make report according to the provisions of Arts. 4-6 or makes report which is not true, or makes an act contrary to the report relating to No.1 or Nos. 4-6 of the first clause of Art.4, or violates the provision of Art.11.

Art.31 -- The publisher and editor shall be punished to a fine not exceeding yen 100, if they act contrary to the report relating to No.2 or No.3 of the first clause of Art.4.

Art.32 -- (I can not understand the meaning of this Art. at all).

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Art.33 -- The publisher and editor shall be punished to a fine not exceeding yen 100, if they violate the provision of Art.10 or insert an article biassedly interpreted.

Art.34 -- The publisher shall be punished to a fine not exceeding yen 300, if he violates the provisions of the first or second clause of Art.12 or ~~Art~~ Art.16, or violates the order of prohibition under the provision of Art.22.

Art.35 -- The editor shall be punished to a fine not exceeding yen 50, if he violates the provisions of the first or second clause of Art.17 or Art.18.

In case the offence of the preceding clause relates to a private matter, it is to be indicted when appealed.

Art.36 -- The editor shall be punished to a fine not exceeding yen 500, if he violates the provision of Art.19 or 20.

Art.37 -- The editor shall be punished to an imprisonment not exceeding 3 months or to a fine not exceeding yen 200, if he violates the provision of Art.21.

Art.38 -- The publisher and editor shall be punished to an imprisonment not exceeding 6 months or to a fine not exceeding yen 300, if they violate the order of prohibition under the provision of Art.23, or the order of prohibition under the provision of Art.24, or the decision of prohibition under the provision of Art.43. If Any person knowing that the newspaper is prohibited or suspended sell or distribute it, he shall be punished to a fine not exceeding yen 200.

Art.39 -- Any person who prevents or hinders the execution of distraint according to the provisions of the first clause of Art.23, the first clause of Art.24, or Art.25 shall be

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punished to an imprisonment not exceeding 6 months or to a fine not exceeding yen 300.

Art.40 -- The publisher and editor who violate the prohibition or restriction under the provision of Art.37 shall be punished to an imprisonment not exceeding 2 years or to a fine not exceeding yen 300.

Art.41 -- Should an article which disturbs the public peace or order or which brings deleterious effect upon public morals be inserted, the publisher and editor shall be punished to an imprisonment not exceeding 3 months or to a fine not exceeding yen 200.

Art.42 -- Should an article relating to ~~disregarding~~ disgracing the dignity of the Imperial house, to changing the system of government, or to disregarding the constitution be inserted, the publisher, editor and printer shall be punished to an imprisonment not exceeding 5 years and a fine not exceeding yen 300.

Art.43 --In case of carrying punishment according to the provisions of Arts. 40--42, a Court may prohibit publication of the newspaper. (I cannot make out meaning).

Art.44 -- The concurrence of general offences of Criminal Code shall not be applied to this Art. (cannot make out meaning).

Art.45 -- In case a criminal action is raised against an article inserted in a newspaper about the offence of honour, the accused may be allowed to prove facts, if the Court thinks that it was inserted not with malicious intent but for the public good, except the private conduct. And if this be firmly proved, the act of the accused

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shall not be punished and the obligations of the accused relating to the damages of the action will be exempted.
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SUPPLEMENTARY.

The Newspaper Law hitherto in force are abolished.

A newspaper which has been published before this Law comes in force and its security is found deficit, three years' grace for making it good will be given from the day this Law will come in force.

The provision of Art.26 also applies to a newspaper distrained before this Law comes in force.

When the newspaper falls under the preceding clause, the Minister may prohibit the insertion of the same subject or object again.